

## General Information on Challenging a Voter

The Challenging Process is covered in IC 3-8-113-10-1-9

The following information is taken from the Election Day Handbook

- Procedures exist to challenge a voter who may not be eligible to vote in a precinct.
- **Challenge procedures must be used with caution.** On one hand, it is against the law for a person who is not eligible to vote in the precinct to attempt to cast a ballot or for a precinct election official to knowingly fail to challenge an ineligible person. On the other hand, it is also against the law for a precinct election official to challenge a voter that the official knows is in fact eligible to vote.

### Who may Challenge a Voter?

1. A **member of the precinct election board** (the inspector or either judge).
2. A **poll clerk** (but only if the clerk does so based on a questionable **signature by the voter on the poll list**).
3. A challenger appointed by a candidate, or a political party.
4. During a primary election, a voter who is a member of the political party whose ballot is being requested by the voter.

### Situations in which a Challenge Should be Issued

1. If the voter is unable to present photo ID that meets the photo id requirements.
2. If the **voter's name does not appear on the poll list** (the voter is not registered to vote in the precinct) unless the voter qualifies to vote using one of the "Fail-Safes" explained in Chapter Five of this manual.
3. The voter's name appears on the poll list, but the **voter does not currently reside in the precinct** unless the voter qualifies to vote using one of the "Fail-Safes" explained in Chapter Five of this manual.
4. The poll list indicates that the voter is also required to present additional documentation, but is not able to do so (See Chapter Four on Additional Documentation).
5. The voter is not a U.S. citizen.
6. The voter will not be 18 years of age or older at the general election.
  - **NOTE:** Otherwise qualified 17 year olds may vote in a primary election, but NOT for a school board office, political party office (such as precinct committeeman or state convention delegate) or on a public question voted on at the same time as the primary.
7. The voter's signature on the poll list does not match that on the registration record of the county.
8. In a primary, the voter is not affiliated with the party whose ballot the voter is requesting.
  - **EXCEPTION:** A voter challenged in a primary due to party affiliation is NOT issued a provisional ballot. If the challenged voter is willing to complete and sign the challenged voter's affidavit (Form PRE-6; reverse), then the voter is issued the regular ballot of that party, which is NOT kept separate from the undisputed ballots cast in the precinct.

▪